

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAC-17744 - APPLICANT/OWNERS: ASHTON-BOYD FAMILY TRUST, ET AL**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

1. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
2. All development shall be in conformance with code requirements and design standards of all City Departments.
3. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
4. The limits of this Vacation shall be the southerly portion of the public alley located north of Bridger Avenue, between 9<sup>th</sup> Street and 10<sup>th</sup> Street.
5. Submit an alternative alley access plan for approval by the City Engineer providing a legal through-access for this alley and an adequate turning radius. Such alley access shall be dedicated prior to or concurrent with the recordation of an Order of Vacation for this alleyway.
6. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant (if applicable), so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.



7. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation. If easements are required, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by ZON-17740 may be used to satisfy this requirement provided that it addresses the area to be vacated.
9. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
10. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.



**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This application is a request to Vacate a portion of an existing alley generally located north of Bridger Avenue, 140 Feet east of Tenth Street.

The applicant is proposing to vacate approximately half of the existing alley that runs between Carson Avenue and Bridger Avenue, half-way between Ninth and Tenth Streets. A Site Development Plan Review (SDR-17745) proposes to replace the vacated portion of the alley with a new alley to be dedicated that will connect the remainder of the alley from its termination to Tenth Street, at approximately the property line between the existing 216 Tenth Street and 226 Tenth Street.

**BACKGROUND INFORMATION**

***A) Related Actions***

12/07/06      The Planning Commission recommended approval of companion items ZON-17740, VAR-17741, VAR-17742, VAR-17743 and SDR-17745 concurrently with this application.

12/07/06      The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #18/ar).

***B) Pre-Application Meeting***

A pre-application conference is not required for a Vacation application request.



**C) *Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

The property is legally described as being a portion of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 34, Township 20 South, Range 61 East, M.D.M.

**ANALYSIS**

**A) *Planning discussion***

The applicant proposes to vacate a portion of the alley connecting Bridger Avenue and Carson Avenue between Ninth Street and Tenth Street in order to provide for cohesive development along Bridger Avenue between Ninth Street and Tenth Street. In order to mitigate the vacation of the alley, the applicant proposes to dedicate a replacement of that portion to the north of his proposed development, diverting the alley flow to Tenth Street. In addition, the submitted vacation indicates that the applicant will replace the necessary water and sewer infrastructure in order to accommodate the vacation as well as the proposed development. However, as staff is recommending denial on the proposed rezoning, site plan, and related variances, staff cannot recommend approval for this vacation.

**B) *Public Works discussion***

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, dedication for an alternative outlet for this public alley will be required through a Condition of Approval.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes*  
*Zoning Reclassification ZON-17740 and Site Development Plan Review SDR-17745.*



- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 7 by City Clerk

**APPROVALS** 0

**PROTESTS** 0